

JUN 29 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

No. 11-90182

ORDER

KOZINSKI, Chief Judge:

A pro se litigant alleges that a district judge improperly dismissed his case based on a purportedly unconstitutional pre-filing review order. This allegation relates directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982); Judicial-Conduct Rule 11(c)(1)(B).

Complainant also claims that the judge conspired with defendants to dismiss his case and was racially biased against him. Adverse rulings alone are not proof of bias. Because complainant offers no other evidence to support his claim, this charge must be dismissed. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Between 1993 and 2005, complainant filed twenty-three misconduct complaints, including four against the subject judge. All were dismissed as merits-

related or unfounded. Further misconduct complaints presenting fundamentally the same allegations will be summarily dismissed as frivolous. Moreover, a “complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints.” Judicial-Conduct Rule 10(a); see also In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009). Complainant has been warned before and will receive no further warnings before sanctions are imposed.

DISMISSED.